



PTO/SB/32 (07-09)

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<b>REQUEST FOR ORAL HEARING BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES</b>		Docket Number (Optional)					
		CU-4849					
<p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on <u>8-18-2011</u></p> <p>Signature <u>Zareefa B. Flener</u></p> <p>Typed or printed name <u>Zareefa B. Flener</u></p>		<p>In re Application of Beat Schilling</p> <table border="1"> <tr> <td style="width: 50%;">Application Number 10/581,951</td> <td style="width: 50%;">Filed 08/25/2006</td> </tr> </table> <p>For Device for Sample Preparation</p> <table border="1"> <tr> <td style="width: 50%;">Art Unit 2856</td> <td style="width: 50%;">Examiner Daniel Sean Larkin</td> </tr> </table>		Application Number 10/581,951	Filed 08/25/2006	Art Unit 2856	Examiner Daniel Sean Larkin
Application Number 10/581,951	Filed 08/25/2006						
Art Unit 2856	Examiner Daniel Sean Larkin						

Applicant hereby requests an oral hearing before the Board of Patent Appeals and Interferences in the appeal of the above-identified application.

The fee for this Request for Oral Hearing is (37 CFR 41.20(b)(3)) \$ 1080.00

Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: \$ 540.00

A check in the amount of the fee is enclosed.

Payment by credit card. Form PTO-2038 is attached.

The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.

The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 12-0400

A petition for an extension of time under 37 CFR 1.136(b) (PTO/SB/23) is enclosed.

For extensions of time in reexamination proceedings, see 37 CFR 1.550.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

I am the

applicant/inventor. Zareefa B. Flener  
Signature

assignee of record of the entire interest. Zareefa B. Flener  
Typed or printed name

See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.  
(Form PTO/SB/96)

attorney or agent of record. 8-18-2011  
Registration number 52896  
Date

attorney or agent acting under 37 CFR 1.34. 312-427-1300 x257  
Registration number if acting under 37 CFR 1.34.  
Telephone number

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.  
Submit multiple forms if more than one signature is required, see below\*.

<input checked="" type="checkbox"/> *Total of <u>1</u> forms are submitted.	<u>08/24/2011 10:00:01</u>	<u>10581951</u>
	<u>01 FC-2403</u>	<u>540.00 DA</u>

This collection of information is required by 37 CFR 41.20(b)(3). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Beat Schilling et al.

U.S. Serial No. : 10/581,951

Filed : 08/25/2006

Title : Device for Sample Preparation

Art Unit : 2856

Examiner : Daniel Sean Larkin

) I hereby certify that this paper (and/or  
fee) is being sent by First Class Mail to  
)"Commissioner for Patents, P.O. Box  
1450, Alexandria, VA 22313-1450" at  
the United States Patent and  
Trademark Office on this date:

) Dated: 8-18-2011

Zareefa B. Flener

) Zareefa B. Flener

) Registration No. 52,896

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**REQUEST FOR ORAL HEARING**

Dear Sir:

This is an urgent Request for an oral hearing in the above identified Appeal. It is noted that the Request is overdue by 4 days. The Applicant strenuously entreats the Board to waive the rules only regarding the due date for the Request because the Request could not be timely made due to extenuating circumstances. The delay was completely unavoidable.

Due to no fault of the Applicant or Counsel, Counsel for the Applicant did not timely receive the client's instructions Requesting that a Petition for an Oral Hearing along with a fee be submitted before the due date of Sunday August 14, 2011. The email instructions were sent to counsel for the Applicant on Friday August 12, 2011, but due to a problem with the email system of Counsel, which has since been corrected, the instructions were not received until Wednesday August 17, 2011, three days after the due date of August 14, 2011.

As soon as the email system was corrected, counsel received the instructions and immediately phoned Jodie Flakowicz at the BPAI on August 17, 2011. Ms. Flakowicz called counsel for the Applicant on August 18, 2011 and informed her that she should submit the Request and Petition none-the-less explaining the unavoidable and extenuating circumstances.

Counsel for the Applicant has made *every* diligent effort to correct the problem and to file the Petition and Request as instructed as soon as possible after the error was discovered.

Counsel apologizes for the error due to the email system, requests that the Applicant not be penalized for the email system error, and humbly requests favorable consideration and understanding from the Board. Counsel further requests that the Petition and Request be accepted and looks forward to the Board's response. If the Board has any questions at all, the Board is encouraged to contact Counsel for the Applicant at the contact information listed below.

Please charge any fees or remit any credits to our deposit account, 12-0400, as necessary.

Respectfully submitted,  
Ladas & Parry LLP  
224 S. Michigan Ave.  
Suite 1600  
Chicago, Illinois 60604

Dated: August 18, 2011

  
Zareefa B. Flener  
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